

THE PERMANENCY PLANNER

Michigan Foster Care Review Board Program

Supporting safe and timely permanency through review, advocacy and collaboration.

Spring 2006



FEDERAL REVIEWS: HELPING TO COMPLY - THE ROLES OF THE CHILD WELFARE SERVICES DIVISION AND FOSTER CARE REVIEW BOARD

By Kathyne A. O'Grady, J.D.

In Michigan, as of December 2005, there were almost 19,000 children in the child welfare system due to abuse or neglect. The Child Welfare Services Division of the State Court Administrative Office (CWS), which is the administrative arm of the Michigan Supreme Court, helps courts address the needs of these children and their families. The Division's responsibilities include monitoring judicial compliance with federal child welfare regulations, overseeing the federally-funded Court Improvement Program (CIP) and related child welfare initiatives, and supervising the statewide Foster Care Review Board Program (FCRB).

The FCRB was created by the Legislature in 1985 to review cases of abused or neglected children in foster care. FCRB volunteers provide an objective look at the role the courts, the Department of Human Services (DHS), and private agencies play in the system. The FCRB also makes findings and recommendations about permanency planning and presents these recommendations to the Judiciary, the Executive Branch, and the Legislature. In addition, local boards hold appeal hearings when foster parents object to removal of children from the foster home.

The responsibilities of the FCRB have expanded over the years. In addition to making recommendations relative to permanency planning, the boards, through the case review process, are responsible for collecting data

regarding Michigan's compliance with the Child and Family Services Review outcome measures.

The role of the FCRB in providing quality assurance has been useful to the State of Michigan in meeting its goals as established by the federally-required program-improvement plans. The information collected from the FCRB review hearings is used to help develop CIP projects and make funding decisions regarding ways to improve the court's handling of child protective proceedings. It ensures that courts and social service agencies receive objective and timely feedback as to the quality of service delivery. More recently, the FCRB role in Title IV-E compliance, through its DHS case file permanency reviews, has identified for Wayne County the issues that need to be addressed to maintain compliance with the Adoptions and Safe Families Act and federal regulations.

In September 2002, Michigan participated in the Child and Family Services Review (CFSR). The review assessed the State's performance on seven child welfare outcomes pertaining to safety, permanency, and well-being, as well as seven systemic factors. In March 2004, Michigan was audited regarding administration of the Title IV-E Program. Title IV-E of the Social Security Act provides states with federal funding to pay for foster care programs for abused or neglected

Continued on Page 2

children. In 2003, Michigan received approximately \$248 million dollars in Title IV-E funds, with similar amounts in 2004 and 2005. Michigan failed both audits and could lose millions of dollars in foster care funding if it does not pass the next round of reviews.

Since 2004, CWS has been collaborating with DHS to address issues raised in the federal reviews and to appeal the outcome of the Title IV-E audit. CWS and DHS have also worked together to train child welfare and court staff to meet federal foster care requirements. In 2005, CWS provided statewide training to over 2,000 people to improve the State's compliance with the federal requirements.

The Michigan Supreme Court and CWS continue to meet regularly with DHS regarding the pending appeal filed for cases determined to be ineligible for Title IV-E funding and to address other issues to ensure the State's compliance.

In the wake of the federal reviews, CWS convened a legislative workgroup in April 2004 to address aspects of the Michigan law that could potentially jeopardize Michigan's federal funding. On June 22, 2004, Michigan Supreme Court Justice Maura Corrigan, who was then Chief Justice, and Justice Elizabeth Weaver, Chair of the Governor's Task Force on Children's Justice, appeared before the House and Senate Judiciary Committees to present an overview of the workgroup's proposals. The Justices requested that legislation based on the proposals be drafted and enacted by the end of the year. Public Acts 473, 475, 476, and 477 were signed by Governor Jennifer Granholm on December 21, 2004, and became effective December 28, 2004.

CWS has also been active in revising court rules and court orders to comply with the federal regulations. A workgroup met regularly during 2005 to modify the court forms to include all required federal findings. The new forms were distributed in February 2006. Recent changes in Michigan legislation, and a close reading of the federal regulations, have also required a review of the Michigan Court Rules for federal compliance. The court rule revisions will be ongoing through 2006.

In order to prepare for the next audit, DHS must determine by March 31, 2006, which cases are

non-compliant and ensure that those cases are no longer receiving federal funds. Wayne County accounts for approximately 40 percent of the State's children in foster care. Due to the large number of children, Wayne County FCRB volunteers stepped forward to assist the court and DHS with the process. Fifty volunteers and their program representatives were trained on the Adoptions and Safe Families Act and accompanying Title IV-E regulations.

Under the direction of the FCRB Program Manager, citizen volunteers spent almost 500 hours reviewing files of children receiving Title IV-E monies. The DHS files were reviewed for compliance within the Adoptions and Safe Families Act, with particular emphasis given to the permanency aspects of the cases. The information was provided to DHS and the Wayne County Circuit Court.

I would like to give special thanks to the citizen volunteers of the Wayne County FCRB, their program staff and DHS staff members, including Jennifer Wrayno (Foster Care/Adoption Analyst for Zone 10 who coordinated the reviews) and Ed Michaels, Ellen Devine, Elreta Dodds and Margaret Lewis (Section Managers from each of the four Wayne County offices who oversaw the reviews at their respective sites.) In addition to providing valuable insight to the boards, which will assist them in their future review hearings, the information obtained through these Title IV-E permanency reviews provided a catalyst for development of a Wayne County Circuit Court Family Division/DHS protocol that will guide the two stakeholders in the upcoming Title IV-E review.

The Foster Care Review Board continues to look for ways to assist the courts and DHS with maintaining federal compliance and, most importantly, with their efforts to achieve permanency for the thousands of children in foster care. Together with the expertise of the Child Welfare Services Division, the FCRB is confident that its new efforts will not only be recognized, but will become a permanent fixture in the child welfare system.

(Kathryne O'Grady is the Director of the Child Welfare Services Division of the State Court Administrative Office and former Referee with the Third Circuit Court, Family Division)

GREETINGS FROM THE "NEW" PROGRAM MANAGER

By Jim Novell

WELCOME BACK! This greeting is meant to acknowledge the absence of our quarterly newsletter, which was last published in the summer of 2003. Formerly called *Connections*, we have changed the name to more accurately reflect our legislative mandate, which is to help assure safe and timely permanency for children in our state foster care system. As we resume regular publication, ***The Permanency Planner*** will provide a public forum for the volunteers of the Foster Care Review Board Program and other child welfare professionals and advocates throughout the state in their efforts to ensure well-being and permanency for foster children.

In previous newsletters, we have reported primarily on Foster Care Review Board activities, initiatives, and priorities. In addition to these topics, we plan to share information about foster care-related programs and resources, service delivery options, cases and legislation, state and federal funding issues (see *Kathryne O'Grady's article*), and training needs and opportunities (see *Carol Siemon's article*). We also plan to include "best practice" information and personal perspectives from those who are directly involved in the permanency process.

We intend for ***The Permanency Planner*** to be utilized by the larger child welfare community, including jurists, lawyers, direct service providers, foster parents and child advocates as a means of supporting one another as we face the significant challenges of providing safe and timely permanency for all children in our foster care system.



MICHIGAN ADOPTION DAY 2005

In Michigan, thousands of foster children lack permanent homes. As of December 31, 2005, there were 12,316 children who were temporary court wards in Michigan as a result of child protective proceedings. As of the same date, there were 18,959 children in foster care in Michigan. For most of these children, the goal is returning to a safe and stable home. But a significant number of children (4,455 as of December 31, 2005) are permanent court wards with a goal of adoption. To draw attention to their plight and to educate the public about the adoption process, the Michigan Supreme Court co-sponsored the third annual Michigan Adoption Day on November 22, 2005. According to National Adoption Day organizers, Michigan's Adoption Day was the largest in the nation for the third straight year. Forty-four counties participated and 276 children were adopted. The adoption ceremonies included parties for the adopted children and their families, gifts for the children, and informational sessions for the public. Several members of the Foster Care Review Board attended local Adoption Day festivities.

ANNUAL TRAINING 2005

"Citizen Advocates Building Safe Futures for Michigan's Children"

One of the requirements for Foster Care Review Board membership is attendance at our annual two-day training, which was held this past year at the Crowne Plaza Hotel in Romulus on November 3-4, 2005. Annual training for board members is mandated by state statute to ensure that board members are able to participate competently and confidently in the review process and provide informed feedback to their community and state legislators regarding the operation and needs of the state foster care system.

Although required by law, annual training is meant to be more than just a time for learning. It is also a time of celebration and an expression of thanks to approximately 200 volunteers. These citizens donate an enormous amount of time and energy to help ensure timely permanency for children who often endure months, and even years, of transience and anxiety as foster children.



Continued on Page 4

"They were not supposed to have this much fun!"

The Foster Care Review Board has the responsibility of reviewing cases of children in foster care to determine if reasonable efforts are being made to achieve timely permanency and, where appropriate, make recommendations related to any existing barriers to such permanency. To this end, the 2005 training focused on helping Board members better identify issues related to timely permanency and offered possible solutions to these barriers.

A number of professionals, each of whom plays a significant role in facilitating timely permanency for foster children in Wayne County, were invited: the Honorable Judy Hartsfield, Probate Court Judge assigned to the Third Circuit Family Division; Charlotte Kennedy, Supervisor, Wayne County Department of Human Services; Dr. Kai Anderson, Supervising Psychiatrist for the Clinic for Child Study; Attorney Janice Burns; and Attorney Regina Daniels Thomas, Supervising Attorney with the Legal Aid and Defenders Office, which provides a significant number of the Lawyer Guardians ad Litem (children's attorneys) for Wayne County. Each graciously accepted our invitation to participate in a roundtable forum on the challenges they face in bringing about timely permanency.



Our distinguished panel (clockwise): Judge Judy Hartsfield, Janice Burns, Regina Daniels Thomas, Dr. Kai Anderson, Charlotte Kennedy.

The panelists shared their individual perspectives on the issues and barriers they must address when ordering or recommending reunification or termination of parental rights. Proposed solutions resulting from this forum included establishing a more accurate assessment of parental needs in the beginning of the case, creating a timelier link to appropriate services, and building better communication between parties involved in these decisions.

A joint session was held at the 2005 annual training with Court Appointed Special Advocates (CASA) volunteers, another group of citizen

volunteers responsible for third-party oversight of children in foster care.



***Pat Wagner,
CASA Director***

CASA volunteers from around the state shared in our second day of training, which included presentations on permanency issues related to class and poverty and issues related to the emerging problem of methamphetamine abuse in Michigan.

Dr. Sue Nelle DeHart, a nationally-recognized consultant on children's issues related to generational poverty, expanded the minds and delighted the hearts of all in attendance with her thought-provoking insights into working with families struggling to escape the stranglehold of poverty. Dr. DeHart spoke both from her academic research, as well as from her own personal experience in successfully escaping generational poverty.

Her presentation helped the audience to understand some of the core issues and barriers faced by people who are struggling to escape this condition. Most importantly, she focused on the differing perceptions and values that must be taken into consideration by professionals from middle- and upper-class backgrounds who are working to evaluate, educate, empower, and communicate with persons who are subjects of generational poverty.

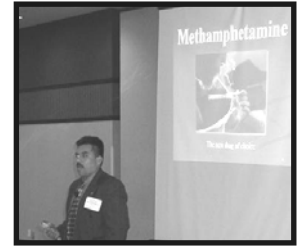


Dr. DeHart enlightened board members with her insights into helping families overcome generational poverty.

This group accounts for a large percentage of the parents of children in the foster care system. It became clear from Dr. DeHart's presentation that the success of interventions by child welfare professionals with these parents is significantly influenced by the professionals' awareness of these differing values and perceptions, and by their making a conscious effort to mediate these differences.

Continued on Page 5

Nancy Becker-Bennett, from the Michigan Department of Community Health Office of Drug Control Policy, and Lieutenant Tony Saucedo, a member of the Michigan State Police Methamphetamine Investigation Unit, also spoke at the conference. Their presentation provided a brief history and overview of current methamphetamine abuse patterns in Michigan, noting that it has taken root in the western half of Michigan and is rapidly moving eastward.



Lt. Saucedo explained how addicting and easy-to-obtain Methamphetamines are.

Ms. Becker-Bennett and Lt. Saucedo described the physical effects and characteristic behaviors observed in a methamphetamine user, the dangers of exposure to a methamphetamine lab, and the impact of this drug on children and families.

It was an honor to have Michigan Supreme Court Justice Maura D. Corrigan and Michigan House Representative John Stewart appear as keynote speakers at the annual Board Member Appreciation and Awards Banquet. Justice Corrigan, who is an active local and national champion for children's issues, praised the Board's efforts and presented members with Certificates of Appreciation for their service, noting the significant contribution made by the FCRB. Volunteers from the Children's Community Support Network, which was a mentoring initiative through the State Court Administrative Office, also were recognized with Certificates of Appreciation.

Justice Corrigan and honored citizens sharing in the joy of helping our state's most vulnerable children.



Representative Stewart likewise expressed his appreciation for the work of the Foster Care Review Board. He emphasized the need to maintain strong and active third-party oversight of the state foster care system in order to ensure the safety and dignity of the children and families involved. Representative Stewart extended a formal invitation to the FCRB to meet with the state legislature in Lansing on May 4, 2006, to present concerns and recommendations regarding the foster care system and the children it serves.

Overall, the 2005 annual training conference was both an enjoyable and productive time for all involved. Citizen volunteers were encouraged, enlightened, and reenergized in their efforts to advocate for children and their caregivers in the foster care system. The Foster Care Review Board wishes to acknowledge all of the presenters and dignitaries who took time out of their busy schedules to encourage us in our efforts.

GOVERNOR'S TASK FORCE

Update on Training Projects

By Carol A. Siemon

The Governor's Task Force on Children's Justice, through a contract between the Department of Human Services and SCAO-Child Welfare Services, generously funds a variety of training initiatives for lawyers and other professionals involved with the child welfare system. Two of those training opportunities are described in this article.

On March 10 and 11, 2005, a two-day conference entitled "Addressing the Educational Needs of Children in Foster Care" was held for lawyers, jurists, caseworkers with the Department of Human Services (DHS) and private agencies, school personnel, and other parties concerned with the educational needs of foster

children. Child Welfare Services (CWS) worked with DHS, the Office of Children's Ombudsman, Department of Education, and Children's Charter of the Courts of Michigan to develop and implement this training opportunity.

Over 245 people attended the first day, which included several plenary speakers and workshops on topics such as "Advocating for the Special Needs Child," "Early Childhood-Early On as a Federal Requirement," "Assessing the Needs of Foster Children," and "Resources to Support the Educational Needs of Foster Children." A closing session introduced the participants to a panel of former foster children who discussed their previous foster care experiences.

The second day of the conference brought together 80 child welfare and education professionals; foster, adoptive, and biological parents; and foster children from across the state to participate in focus groups to identify issues and barriers, and provide recommendations and best practices related to this topic. Three workgroups were formed based on specific foster care age groups: under five, kindergarten to eighth grade, and ninth grade and older. After the workgroups produced their recommendations, a committee was formed to develop an extensive resource guide that will ultimately be printed and disseminated across the state as a best practices resource.

On March 23-24, 2006, the Governor's Task Force on Children's Justice, Child Welfare Services/SCAO, DHS, Department of Community Health (DCH), Office of Children's Ombudsman, and Children's Charter of the Courts of Michigan are offering a conference for approximately 500 participants entitled "Mental Health Needs in Child Welfare: Addressing the Needs of Children and Families."

The overall theme of the conference is collaboration among mental health and social service agencies, the courts, and other agencies and organizations involved with children and families in the child welfare system. In this time of dwindling resources, it is essential that stakeholders work together. Our keynote speaker on March 23 will be Bruce Perry, M.D., Ph.D., a renowned expert on how a child's brain is impacted by trauma. Other plenary sessions will include presentations by the Honorable Cindy Lederman, Presiding Judge of the Miami-Dade

County Juvenile Court, and Joy Osofsky, Ph.D., who will discuss creating mental health and judicial partnerships to help children in the child welfare system, and Marva Lewis, Ph.D., who will discuss cultural competency issues and disparate treatment as it pertains to mental health services for children in foster care. The conference will also include a total of 30 workshops, covering a variety of topics, including "Infant Mental Health - Attachment and Bonding Issues," "Navigating the Community Mental Health System," "Adolescent Brain Functioning," "The Effects on Children Raised by a Mentally Ill Parent," and "Strategies to Engage Parents in Service Planning."

The level of interest for the conference has been overwhelming. Although only 500 people can attend, almost twice that number responded within days of distribution of the conference brochure. It is clear from this response that the child welfare community is in need of this kind of training, which CWS and its partners will gladly provide.

(Carol Siemon is the Deputy Director of the Child Welfare Services Division of the State Court Administrative Office and former Investigator with the Children's Ombudsman's Office.)



UPCOMING 2006 EVENTS

April 6-7	FCRB New Board Member Orientation
April 28	FCRB Advisory Committee Meeting
May 4	Legislative Day
September 22	FCRB Advisory Committee Meeting
November 2-3	FCRB Annual Training Conference
November 7	Election Day
November (TBD)	Adoption Day



FROM THE BENCH

By Michael Eberth

On December 8, 2005, representatives from the Wayne County Foster Care Review Board met with the Honorable Mary Beth Kelly, Chief Judge, Third Circuit Court Family Division. The purpose of the meeting was to identify how the Foster Care Review Board can best support the court in its efforts to ensure the safety and well being of children in foster care, and in its efficient movement of these children toward permanency.

During this meeting, several key areas of concern were discussed including:

- Multiply delays/adjournments in permanency custody trials;
- Scheduling and time management of hearings that result in caseworkers and attorneys spending significant amounts of time waiting at the court;
- Jurist review and approval of Parent Agency Treatment Plans;
- Reported delays in the court's provision of court orders to the DHS for obtaining required services; and
- L-GAL responsibilities and accountability for meeting at least the minimal statutory requirements.

With regard to the time-management issues, Judge Kelly informed the Foster Care Review Board that a task force has been formed to research issues causing delays, including adjournments and scheduling conflicts. Judge Kelly shared the members' concerns that unnecessary delays hinder efforts to obtain timely permanency for foster children. The task force will make its recommendations to the court by June, 2006.

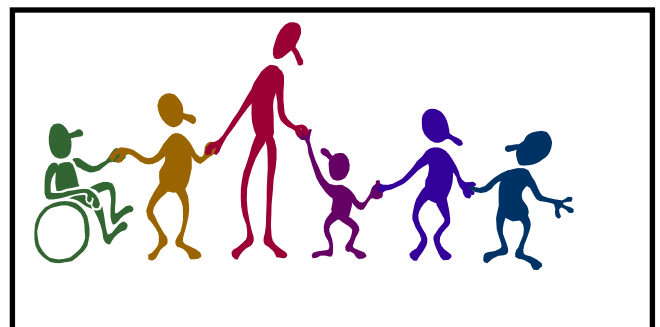
Judge Kelly expressed her firm belief that it is in the court's and the children's best interest that the jurist review the Parent Agency Treatment Plans to ensure that the plan accurately represents what

the court determines is necessary to ensure the safety and well being of the children while in foster care and upon their return home. Judge Kelly requested the Foster Care Review Board identify any concerns with the Parent Agency Treatment Plans in its Findings and Recommendations.

Judge Kelly also recognized the Foster Care Review Board's concerns that the Lawyer-Guardians ad Litem (attorneys who represent children in child protective proceedings) are not held accountable. Currently, the court is considering reviewing the attorney rotation system to ensure a greater number of attorneys have an opportunity to participate in the representation of children. Judge Kelly believes that appointing a greater number of attorneys will minimize scheduling conflicts. Additionally, the court is reviewing a "no substitution rule" to help ensure the children receive consistent representation throughout the proceedings by a single attorney, who has first-hand information regarding the children's best interests.

In closing, Judge Kelly acknowledged the benefit of the Review Board's Findings and Recommendations as a consultative resource for each jurist, providing them an objective set of independent eyes regarding the issues relating to children under the court's jurisdiction. She requested that each of the Findings and Recommendations be copied to her directly so that she can personally evaluate court related issues and concerns identified by the Foster Care Review Board.

(Michael Eberth is an Attorney at Law with the firm of Nichols & Eberth, P.C. and has been a member of the Foster Care Review Board Program for five years.)



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